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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,419	07/09/2003	David E. Pitcher	Rose-17	1271

7590 04/08/2005

Donald N. Halgren  
35 Central Street  
Manchester, MA 01944

EXAMINER
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STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/616,419

Applicant(s)

PITCHER ET AL.

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is the second non-final Office Action for application number 10/616,419 Flexible Roller Arrangement, filed on 7/9/03. Claims 1, 2, 4-6 are pending. This is the second non-final Action is in response to applicant's reply dated 12/23/04. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Election/Restrictions***

Claims 7-18 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/23/04.

In a subsequent telephone call to Donald Halgren on 3/16/05, claims 7-18 have been cancelled.

### ***Specification***

A substitute specification not including the claims is required pursuant to 37 CFR 1.125(a) because page 4 of the specification is missing from the file as filed on 7/9/03 .

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter

must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

***Claim Rejections - 35 USC § 102***

Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5711430 to Anderson et al.

The patent to Anderson et al. discloses an elongated extrusion having and uppermost wall (17), at least one tapered sidewall (16), the sidewall angularly extending from the uppermost wall, a support wall (15), arranged adjacent to the tapered sidewall and the support, a plurality of flexibly connected gripping members loosely within the longitudinal chamber, the gripping members being a plurality of generally cylindrical roller resilient links (25 and 28) having a common diameter (Each 25 has a common diameter with each other and each 28 has a common diameter with every other 28), wherein the roller links (25, 28) are spaced apart a distance no greater than their diameter (25 is spaced from 28 no larger than either common diameter) connected longitudinally by a flexible connecting line (26a). (See Col. 3, line 67 for material selection).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1,2 and 4-6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The references cited below are considered pertinent to the applicant's disclosure. The following documents show various support arrangements

6547200 to Dilworth

6279204 to Gonzalez

6003259 to Krapf et al.

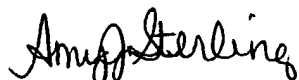
2056878 to Wineholt

We're moving to the new campus on April 7, 2005, see the new contact numbers listed below.

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 703-308-3271 (Phone number will be changed to 571-272-6823 on 4/8/05). The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156 and at 571/272-6815 as of 4/8/05. The fax machine number for the Technology center is 703-872-9306 (formal amendments) or 703-308-3519 (informal amendments or communications, changed to 571-273-6823, please use this

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fax number for interview requests). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 703-308-2168 (Receptionist will be changed to 571-272-3600 as of 4/8/05).

A handwritten signature in cursive script that reads "Amy J. Sterling".

Amy J. Sterling  
4/3/05